

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

Fraleg Group, Inc.,

Case No. 22-41410-jmm

Debtor.

Chapter 11

**STIPULATED ORDER MODIFYING THE CONFIRMED PLAN OF
REORGANIZATION BETWEEN THE POST-CONFIRMATION DEBTOR AND CAF
BORROWER GS, LLC AS TO THE DISPOSITION OF THE DEBTOR' PROPERTY**

WHEREAS, CAF Borrower GS LLC (“**Lender**”) was entitled pursuant to Section 4.02(k) of the Debtor’s confirmed chapter 11 Plan (“Plan”) [Dkt. No. 52] to receive a deed to the Debtor’s property located at 112 North Walnut Avenue, East Orange, New Jersey (“Property”) by April 5, 2023, if its Secured Claim was not paid by March 31, 2023; and

WHEREAS, said Secured Claim was not paid by that date; and

WHEREAS, the Debtor is still attempting to satisfy the Lender’s Secured Claim and is seeking more time to pay said Claim, and

WHEREAS, the Lender prefers to obtain title to the Property by a properly conducted foreclosure sale and is willing to accord the Debtor until the day before that sale to pay the Secured Claim and to waive any deficiency against the Debtor’s guarantor; and upon all the proceedings had before the Court and after due deliberation and sufficient cause appearing; and upon consideration of the agreement of Lender and Debtor,

IT IS HEREBY ORDERED

1. Upon entry of this Order, Lender may immediately proceed with its remedies under its Mortgage, as defined under the Debtor’s Amended Plan of Reorganization (the

“**Plan**”) [Dkt. No. 52], and the permanent injunction contained in the Plan and the stay of this Order pursuant to Bankruptcy Rule 4001(a)(3) shall not apply to this Order. Notwithstanding the foregoing, any foreclosure sale under the Mortgage shall be held no earlier than April 18, 2023.

2. Debtor or Guarantor shall have until April 17, 2023, to pay in full the Agreed CAF Secured Claim as calculated pursuant to Sections 1.03 and 3.01 of the Plan and if Lender receives such payment prior to April 18, 2023 it shall accept same in full satisfaction of its Secured Claim and release the Guarantor.

3. Lender is entitled, in its sole and absolute discretion, to delay foreclosure beyond April 18, 2023 and, in its sole and absolute discretion, to accept satisfaction of the Agreed CAF Secured Claim after April 17, 2023. No agreement for an extension of the April 17, 2023, deadline shall be effective unless evidenced by a written agreement executed by Lender.

4. Payment in full of the Agreed CAF Secured Claim as calculated pursuant to Sections 1.03 and 3.01 of the Plan shall satisfy Debtor’s obligations to Lender as well as the obligations of the Guarantor (as defined in the Plan) or in the event that a foreclosure occurs under the Mortgage.

Dated: April 10, 2023

[Signature Page to Follow]

LAW OFFICES OF AVRUM J. ROSEN, PLLC
Attorney for Fraleg Group, Inc.

By: /s/ Nico G. Pizzo

Nico G. Pizzo, Esq.
Avrum J. Rosen, Esq.
38 New Street
Huntington, New York 11743
Tel: (631) 423-8527
npizzo@ajrlawny.com
arosen@ajrlawny.com

Dated: April 10, 2023
Brooklyn, New York

By: /s/ Andy Alege

Andy Alege
President of Fraleg Group, Inc.

SO ORDERED:

POLSINELLI PC

Attorney for Lender CAF Borrower GS, LLC

By: /s/ David D. Ferguson

MORGAN C. FIANDER
600 Third Avenue, 42nd Floor
New York, New York 10016
(212) 684-0199
mfiander@polsinelli.com

DAVID D. FERGUSON
900 West 48th Place
Kansas City, Missouri 64112
(816) 360-4311
dferguson@polsinelli.com

Dated: April 16, 2023
Brooklyn, New York





Jil Mazer-Marino
United States Bankruptcy Judge